

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
Eletson Holdings, Inc. and Eletson Corp. :
:
Petitioners/Cross-Respondents, :

v- :

Levona Holdings, Ltd. :
:
Respondent/Cross-Petitioner :
:
-----X

23 07331 (LJL)
-cv-
LEVONA HOLDINGS, LTD.'S PROPOSED
CASE MANAGEMENT PLAN AND
SCHEDULING ORDER

LEWIS J. LIMAN, United States District Judge:

This Civil Case Management Plan and Scheduling Order is submitted by the parties in accordance with Federal Rule of Civil Procedure 26(f)(3):

1. All parties [consent ____ / do not consent X] to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. *[If all parties consent, the remaining paragraphs need not be completed.]*
2. The parties [have ____ / have not X] conferred pursuant to Federal Rule of Civil Procedure 26(f).
3. The parties [have X / have not ____] engaged in settlement discussions.
4. Any motion to amend or to join additional parties shall be filed no later than N/A. *[Absent exceptional circumstances, a date not more than thirty (30) days following the initial pretrial conference.]* Note: Pursuant to Paragraph 3(C) of the Court's Individual Practices in Civil Cases, the Court will deny a motion to dismiss as moot, without prior notice to the parties, if a plaintiff amends its pleading without objection from the defendant. The moving party may then (a) file an answer or (b) file a new motion to dismiss. In the event the moving party wishes to rely on its initially filed memorandum of law, the party may so indicate in its motion to dismiss the amended pleading and need not file the memorandum of law again.

Pursuant to Paragraph 2(K) of the Court's Individual Practices in Civil Cases, parties may extend the deadlines set forth in Local Civil Rule 6.1 by an agreed-upon schedule, which shall govern as long as it is disclosed to the Court in a letter accompanying the initial motion. The parties should discuss any anticipated motion in advance of the Initial Pretrial Conference and should come prepared to discuss a proposed briefing schedule for any anticipated motion.

5. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than _____ September 25, 2024 _____. [*Absent exceptional circumstances, a date not more than fourteen (14) days following the initial pretrial conference.*]
6. All fact discovery is to be completed no later than _Jan. 13, 2025_____. [*A date not more than one hundred twenty (120) days following the initial pretrial conference, unless the Court finds that the case presents unique complexities or other exceptional circumstances.*]
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in Paragraph 6 above.
 - a. Initial requests for production of documents shall be served by _September 25, 2024_____.
 - b. Interrogatories pursuant to Rule 33.3(a) of the Local Rules of the Southern District of New York shall be served by ~~_N/A_~~ 9/25/24 _____. [*Absent exceptional circumstances, a date not more than thirty (30) days following the initial pretrial conference.*] No Rule 33.3(a) interrogatories need to be served with respect to disclosures automatically required by Federal Rule of Civil Procedure 26(a). Contention interrogatories may be served at any time but only with leave of the Court.
 - c. Unless otherwise ordered by the Court, contention interrogatories should be served consistent with Rule 33.3(c) of the Local Rules of the Southern District of New York.
 - d. Depositions shall be completed by ___Jan. 13, 2025_____.
 - e. Requests to Admit shall be served no later than ___Dec. 11, 2024_____.
8. All expert discovery, including disclosures, reports, rebuttal reports, production of underlying documents, and depositions shall be completed by _____. [Parties do not currently anticipate that expert discovery will be necessary, but reserve the right to request it as discovery proceeds.] N/A _____. [*Absent exceptional circumstances, a date forty-five (45) days from the completion of fact discovery.*]
9. All discovery shall be completed no later than _____Jan. 13, 2025_____.
10. The proposed joint pretrial order shall be submitted on ECF in accordance with the Court's Individual Practices in Civil Cases and Federal Rule of Civil Procedure 26(a)(3) no later than ___N/A_____.
11. A post-discovery status conference shall be held on: ___Jan. 17, 2025_____ at 2 p.m. . A joint letter updating the Court on the status of the case shall be filed on ECF by one

week prior to the status conference. The letter must be no more than three (3) single spaced pages and should include the following information in separate paragraphs:

- (1) all existing deadlines, due dates, and/or cut-off dates;
- (2) a brief description of any outstanding motions;
- (3) a brief description of the status of discovery and of any additional discovery that remains to be completed;
- (4) the status of settlement discussions;
- (5) the anticipated length of trial and whether the case is to be tried to a jury;
- (6) whether the parties anticipate filing motions for summary judgment; and any other issue that the parties would like to address at the pretrial conference or any other information that the parties believe may assist the Court.

12. Any motion for summary judgment must be filed no later than N/A .
[Absent exceptional circumstances, a date fourteen (14) days from the completion of all discovery.]
13. This case [is / is not X] to be tried to a jury.
14. The parties have conferred and their present best estimate of the length of trial is . [As discovery proceeds, parties will discuss whether they believe an evidentiary hearing is necessary.] .
15. Counsel for the parties propose the following alternative dispute resolution mechanism for this case:
 - a. Referral to a Magistrate Judge for settlement discussions.
 - b. Referral to the Southern District's Mediation Program.
 - c. X Retention of a private mediator.

The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

16. Other issues to be addressed at the Initial Pretrial Conference, including those set forth in Federal Rule of Civil Procedure 26(f)(3), are set forth below.

 See Appendix A, attached.

Counsel for the Parties:

Louis M. Solomon
Colin A. Underwood
Reed Smith LLP
599 Lexington Ave.
New York, NY 10022

William A. Adams
Isaac Nesser
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Ave.
New York, NY 10010

Dated: September 13, 2024
New York, New York

Dated: September 18, 2024

A handwritten signature in black ink, appearing to read "L. Liman", is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge

APPENDIX A

Appendix To ~~Levona's Proposed~~ Case Management Plan And Scheduling Order

Re: *Eletson Holdings, Inc. v. Levona Holdings Ltd.*, 23-cv-07331 (LJL)

The following ~~proposed~~ dates include and supplement those in the Court's ~~model~~ case management plan and scheduling order:

Date	Event
Wed, Sept. 18, 2024	Case management hearing
Wed., Sept. 25, 2024	Serve initial disclosures and initial document requests ¹
Wed., Oct. 2, 2024	Serve responses to initial document requests
Wed., Oct. 9, 2024	Complete meet & confer re discovery disputes and ESI protocol
Wed., Oct. 16, 2024	File pre-conference letter briefs and proposed ESI protocol [*]
Thurs., Oct. 24, 2024	Status conference²
Mon., Nov. 25, 2024	Substantial completion of party document productions ³
Wed., Nov. 27, 2024	Serve privilege logs
Wed., Dec. 11, 2024	Complete meet & confer re document production and privilege; serve RFAs
Mon., Dec. 16, 2024	File pre-conference letter briefs
Mon., Dec. 23, 2024	Status conference² at 12 p.m. at Courtroom 15C, 500 Pearl St. New York, NY 10007
Fri., Jan. 10, 2025	File pre-conference letters per Model CMP ¶ 11
Mon., Jan. 13, 2025	Complete discovery ⁴
Fri., Jan. 17, 2025	Post-discovery status conference per Model CMP ¶ 11²
Mon., Jan. 27, 2025	Levona files opening brief
Mon., Feb. 10, 2025	Eletson files opposition brief
Mon., Feb. 24, 2025	Levona files reply brief
Mon., Mar. 10, 2025	Oral argument (and evidentiary hearing as appropriate)

Notes:

- ~~1. Parties may serve contention interrogatories at any time, notwithstanding L.R. 7033-1.~~
2. Proposed date is an estimate subject to the Court's availability.
3. All documents are to be produced on a rolling basis.
4. Parties reserve rights to seek expert discovery, if deemed necessary.

^{*} The letter briefs due on October 16, 2024 shall address deficiencies in the responses to the discovery requests or to the ESI protocol and any other issues requiring the Court's resolution that are ripe. Motions relating to discovery disputes other than the sufficiency or propriety of the responses to the discovery requests or regarding the ESI protocol should be made as soon as the dispute is ripe, according to the Court's Individual Practices. This includes the failure to produce documents responsive to the requests or to comply with the ESI protocol.